

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**JUAN PEREZ-RODRIGUEZ, et al.,  
Plaintiffs**

v.

**CIVIL NO. 05-1978(DRD)**

**CAMDEN COUNTY SHERIFF'S  
DEPARTMENT, et al.,  
Defendants**

<b>MOTION</b>	<b>ORDER</b>
<b>Date Filed: 12/20/05</b> <u>Docket # 11</u> <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <b>Title:</b> Motion to Dismiss	<b>MOOT.</b> See ruling at Docket Entry No. 20.
<b>Date Filed: 2/02/06</b> <u>Docket # 20</u> <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <b>Title:</b> Notice of Voluntary Dismissal of Action as to Co-defendant Pedro Toledo Davila Pursuant to Fed.R.Civ.P. 41(a)(2)	<b>GRANTED.</b> Plaintiff has moved for voluntary dismissal of the instant action against co-defendant Pedro Toledo-Davila pursuant to Rule 41(a)(1)(ii), Fed.R.Civ.P., 28 U.S.C. The Court deems that plaintiff has entered consent for the dismissal requested by co-defendant Toledo-Davila in its motion to dismiss at Docket Entry No. 11. The Court notes that the parties have not stated whether the voluntary dismissal shall be granted without prejudice notwithstanding, Rule 41(a)(1) provides that "unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice". Therefore, the Court hereby <b>DISMISSES</b> plaintiffs' claims against co-defendant Pedro Toledo-Davila <b>WITHOUT PREJUDICE</b> . Plaintiffs' claims shall proceed against remaining co-defendants. <b>Partial Judgment</b> shall be entered accordingly.
<b>Date Filed: 3/17/06</b> <u>Docket # 27</u> <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <b>Title:</b> Motion for Judgment	<b>MOOT.</b> See ruling at Docket Entry No. 20.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico this 17<sup>th</sup> day of March 2006.

**S/DANIEL R. DOMINGUEZ  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE**